



## FAX TRANSMISSION

CONFIDENTIAL COMMUNICATION

**REQUEST FOR RECONSIDERATION OF  
PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT UNDER  
37 CFR 1.181(a)**

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From: JOSEPH J. MAYO (REG. NO. 53,288)  
Fax No.: (858) 777-5425  
Phone No.: (858) 442-5877

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Total Number of Pages Including Cover: 11  
Date: Monday, May 23, 2005

US Serial No.: 09/577,268  
Ref. No.: A2I-P0001

## Comments:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at FAX number 703-872-9306 on May 23<sup>rd</sup>, 2005.

Fax Coversheet (1 page) (this sheet)  
Petition to Withdraw Holding of Abandonment  
for Failure to Pay Issue Fee (3 pages)  
PAIR printout (3 pages)  
Original Notice of Allowance (2 pages)  
Corrected Notice of Allowance (2 pages)

Signature: 

Joseph J. Mayo

Date: 5/23/2005

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P. (866) 221-6964

Joseph J. Mayo  
D. (858) 442-5877  
F. (858) 777-5425  
jmayo@dalinalaw.com

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/577,268  
Applicant : HAZI, Ariel, et al.  
Filed : 05/23/2000  
TC/A.U. : 3625  
Examiner : THOMPSON, Forest Jr.  
Docket : A2I-P0001  
Customer No. : 36067  
Conf. No. : 3565

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MAY 29 2005

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MAY 31 2005

GROUP 3600

For: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

Commissioner for Patents  
703-872-9306

**REQUEST FOR RECONSIDERATION OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT AND REQUEST TO ISSUE PATENT**

Sir:

In response to the Decision On Petition of March 23<sup>rd</sup>, 2005, Applicant hereby petitions the commissioner to reconsider the petition to withdraw the holding of abandonment for failure to pay the issue fee and issue the patent with all due haste. The issue fee was paid. The fee required to accompany this petition has already been paid. The patent was abandon due to Patent Office error.

The Examiner in charge of the above mentioned application violated 37 C.F.R 313(b)1-4 by sending a Corrected Notice of Allowance on July 22, 2004 even though the Issue Fee was paid in full on June 25, 2004.. Prosecution on the merits for this application was closed as of June 25, 2004. As there were no mistakes in the prosecution of the application on the part of the office to that point, the Examiner erred by sending a "corrected" Notice of Allowance. There was nothing to correct. Applicant's representative believes the Examiner sent the Corrected Notice of Allowance out because the revision of the form itself had changed from Rev. 11/03 to Rev. 7/04. To withdraw an accepted application from issue under these circumstances is a clear violation of 37 CFR 1.313, (see MPEP 1308) and would be inappropriate. Applicant's rights to an issued patent are being severely compromised.

Appl. No. 09/577,268  
Response dated 5/23/2005  
Reply to Office Action of 3/23/2005

**37 CFR 1.313. Withdrawal from issue.**

(b) Once the issue fee has been paid, the Office will not withdraw the application from issue at its own initiative for any reason except:

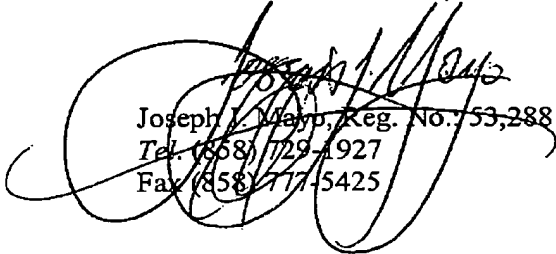
- (1) A mistake on the part of the Office;
- (2) A violation of § 1.56 or illegality in the application;
- (3) Unpatentability of one or more claims; or
- (4) For interference.

As there was no mistake on part of the office before the Examiner sent the "corrected" notice of allowance 37 CFR 1.313(b)1 does not apply. Since there was no violation of 37 CFR Rule 56, 1.313(b)2 does not apply. Since there were no patentability issues raised by the Examiner, 37 CFR 1.313(b)3 does not apply. Since the application is not the subject of an interference, 37 CFR 1.313(b)4 does not apply. Please see the attached PAIR pages, and the original Notice of Allowance and Corrected Notice of Allowance noting that there were no mistakes and thus no corrected mistakes on the "corrected" notice of allowance.

As the Issue Fee and Publication Fee were timely paid within the statutory required 3 month period after the original Notice of Allowance was sent, ALL REQUIREMENTS OF 35 U.S.C. 151 HAVE BEEN SATISFIED. By denying Applicants petition and effectively refusing to issue the patent to which the applicant is entitled, the Office violates 37 CFR 1.313(b)1-4. To remedy this injustice Applicant respectfully requests expedited issuance of the patent as per the original and timely filed PTOL-85 submission of June 25, 2004. Please use deposit account 502689 for any other charges not accounted for herein and please reference our file number A2I-P0001 when using the deposit account.

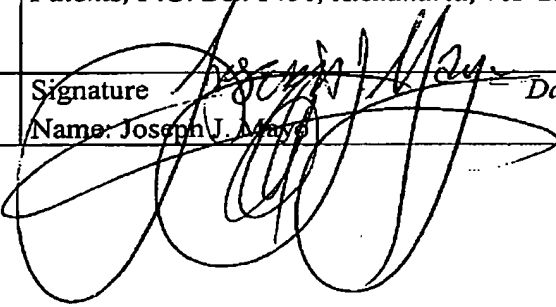
Should the office disagree with this Petition applicant's representative respectfully requests that an attorney from the Petitions Office contact applicant representative at the number below to explain the rationale for such disagreement **BEFORE** denying this Petition.

Respectfully submitted,  
DALINA LAW GROUP, P.C.



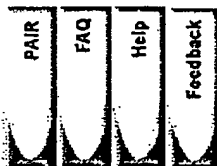
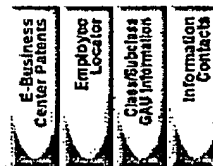
Joseph J. Mayo, Reg. No. 53,288  
Tel. (858) 729-4927  
Fax (858) 777-5425

Appl. No. 09/577,268  
Response dated 5/23/2005  
Reply to Office Action of 3/23/2005

<b>Correspondence Info:</b>  <b>Customer Number</b>  <b>36067</b>	<b><i>CERTIFICATE OF MAILING or TRANSMISSION</i></b>  <i>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on <u>May 23, 2005</u> to (703) 872-9306 or is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</i>
	<b>Signature</b>  <b>Date:</b> May 23, 2005 <b>Name:</b> Joseph J. Mayo



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Search results as of: 2-4-2005:8:3:18 E.T.

Search results for application number: 09/577,268			
Application Number:	09/577,268	Customer Number:	38067
Filing or 371(c) Date:	05-23-2000	Status:	Abandoned -- Failure to Pay Issue Fee
Application Type:	Utility	Status Date:	01-13-2005
Examiner Name:	THOMPSON JR, FOREST	Location:	FILE REPOSITORY (FRANCONIA)
Group Art Unit:	3625	Location Date:	01-27-2005
Confirmation Number:	3565	Earliest Publication No:	-
Attorney Docket Number:	254/147	Earliest Publication Date:	-
Class/ Sub-Class:	705/026	Patent Number:	-
First Named Inventor:	Ariel Hazi, Los Angeles, CA	Issue Date of Patent:	-
Title Of Invention: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD			

Select Search Option

<a href="#">Assignments</a>	<a href="#">Search</a>
<a href="#">Continuity Data</a>	
<a href="#">Display References</a>	
<a href="#">Image File Wrapper</a>	
<a href="#">Patent Term Extension History</a>	

File History	
Date	Contents Description
01-13-2005	Mail Abandonment for Failure to Pay Issue Fee
01-13-2005	Abandonment for Failure to Pay Issue Fee

May 23 05 06:37p

Dalina Law Group P.C.

858-777-5425

p. 6

11-03-2004	Receipt into Pubs
11-03-2004	Workflow - Query Request - Finish
09-08-2004	Receipt into Pubs
09-07-2004	Workflow - Query Request - Begin
08-26-2004	Receipt into Pubs
07-23-2004	Receipt into Pubs
07-23-2004	Workflow - File Sent to Contractor
07-23-2004	Receipt into Pubs
07-21-2004	Dispatch to Publications
07-21-2004	Issue Revision Completed
07-22-2004	Mail Corrected Notice of Allowance
06-29-2004	Application Is Considered Ready for Issue
06-25-2004	Issue Fee Payment Recorded
04-13-2004	Issue Revision Completed
04-13-2004	Corrected Notice of Allowance
03-26-2004	Mail Notice of Allowance
03-22-2004	Notice of Allowance Data Verification Completed
03-22-2004	Notice of Allowability
01-18-2004	Date Forwarded to Examiner
01-18-2004	Date Forwarded to Examiner
01-12-2004	Request for Continued Examination (RCE)
01-18-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)
01-12-2004	Request for Extension of Time - Granted
01-18-2004	Correspondence Address Change
01-20-2004	Change in Power of Attorney (May Include Associate POA)
01-12-2004	Workflow - Request for RCE - Begin
07-10-2003	Mail Final Rejection (PTOL - 326)
07-07-2003	Final Rejection
05-21-2003	Date Forwarded to Examiner
05-16-2003	Response after Non-Final Action
02-12-2003	Mail Non-Final Rejection
01-14-2003	Non-Final Rejection
10-16-2002	Correspondence Address Change
10-16-2002	Change in Power of Attorney (May Include Associate POA)
06-06-2002	Case Docketed to Examiner in GAU
04-23-2002	Case Docketed to Examiner in GAU
02-27-2002	Case Docketed to Examiner in GAU
09-24-2001	Case Docketed to Examiner in GAU
08-27-2001	Information Disclosure Statement (IDS) Filed



07-14-2001	Case Docketed to Examiner in GAU
06-07-2001	Case Docketed to Examiner in GAU
02-17-2001	Case Docketed to Examiner in GAU
12-09-2000	Application Dispatched from OIPE
12-09-2000	Application Is Now Complete
07-19-2000	Notice Mailed--Application Incomplete--Filing Date Assigned
07-19-2000	Correspondence Address Change
06-13-2000	IFW Scan & PACR Auto Security Review
05-23-2000	Initial Exam Team nn

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

## NOTICE OF ALLOWANCE AND FEE(S) DUE

16067 7590 03/26/2004  
DALINA LAW GROUP, P.C.  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

EXAMINER	
THOMPSON JR, FOREST	
ART UNIT	PAPER NUMBER

3625

DATE MAILED: 03/26/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	05/23/2000	Ariel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/28/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

☐ Applicant claims SMALL ENTITY status.  
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

36067 7390 03/26/2004

DALINA LAW GROUP, P.C.  
 7910 IVANHOE AVE. #325  
 LA JOLLA, CA 92037

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## Certificate of Mailing or Transmittal

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	05/23/2000	Ariel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	06/28/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
THOMPSON JR, FOREST	3625	705-026000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☐ Issue Fee  
☐ Publication Fee  
☐ Advance Order - # of Copies \_\_\_\_\_

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☐ A check in the amount of the fee(s) is enclosed.  
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☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FBES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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PTOL-85 (Rev. 11/03) Approved for use through 04/30/2004.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE



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# CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE

36067 7590 07/22/2004  
DALINA LAW GROUP, P.C.  
7910 IVANHOE AVE. #325  
LA JOLLA, CA 92037

EXAMINER

THOMPSON JR, FOREST

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 07/22/2004

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,268	05/23/2000	Ariel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$0	\$0	\$0	10/22/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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Page 1 of 3

PTOL-85 (Rev. 07/04) Approved for use through 04/30/2007.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
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CURRENT CORRESPONDENCE ADDRESS (Not to Use Block 1 for any change of address)

35057 7590 07/22/2004  
**DALINA LAW GROUP, P.C.**  
**7910 IVANHOE AVE. #325**  
**LA JOLLA, CA 92037**

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(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/377,268	05/23/2000	Ariel Hazi	254/147	3565

TITLE OF INVENTION: TIMESHARED ELECTRONIC CATALOG SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$0	\$0	\$0	10/22/2004
EXAMINER		ART UNIT	CLASS-SUBCLASS		
THOMPSON JR, FOREST		3625	705-026000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1	_____
2	_____
3	_____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent); ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is not claiming SMALL ENTITY status. See, e.g., 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

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